THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.18846 of 2006

DATED 23.11.2006

Between:
P.Narayana Reddy .. PETITIONER

Versus

The Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad and 2 others. .. RESPONDENTS

WRIT PETITION NO.18846 of 2006

ORDER:

The Writ Petition is filed for a Writ of Mandamus declaring the action of respondents 1 and 2 in not taking any action to demolish the unauthorized structures raised by the 3rd respondent by encroaching the public road on the property bearing municipal No.2-2-1125/98, admeasuring 143 square yards, situated at New Nallakunta, Hyderabad, in pursuance of the complainants dated 21.7.2006, 26.7.12006 and 29.7.2006 made by the petitioner as highly, arbitrary, illegal and violative of Article 14 of the Constitution of India and consequently direct the respondents 1 and 2 to take steps in accordance with law to demolish the illegal structures made by the 3rd respondent and pass such other suitable orders.

2. The counsel on record are heard.

3. Several factual details are narrated by the writ petitioner in paragraphs 3 to 6 of the affidavit filed in support of the Writ Petition.

4. The main grievance of the petitioner is that the 3rd respondent is proceeding with certain constructions in deviation of the plan.

5. In the counter affidavit filed by the 2nd respondent it is stated that

when the 2nd respondent was about to initiate action, the 3rd respondent approached the trial Court and filed a suit OS No.63 of 2006 on the file of X Junior Civil Judge, City Civil Court, Hyderabad and the trial Court by an order dated 26.6.2006 granted ad-interim injunction against the respondent-Corporation.

6. No doubt several other allegations also were made in the counter affidavit. Inasmuch as it is stated that a suit already was filed in OS No.63 of 2006 on the file of X Junior Civil Judge, City Civil Court, Hyderabad and an interim order was granted, it would be appropriate on the part of the Corporation to take appropriate steps to get the said interim order vacated and further proceed with the matter in accordance with law. It is needless to say that the petitioner also is at liberty to move appropriate application in the said suit, if the petitioner is so advised. Except making these observations, no further directions can be given in view of the pendency of the suit referred to supra.

7. The Writ Petition is disposed of accordingly. No costs.

23.11.2006

SSR

Issue order copy in two days.

(BO)